

Noise Control Council Meeting Minutes
March 9, 2004

Attendees

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| Joe Lepis, Chair | Chief Philip Muller | Carol Pennenga |
| Dr. Iris Udasin | John Surmay | Dr. Joseph Soporowski |
| George Miller | Renu Agrawal | Eric Zwerling, RNTAC |
| Michael Klewin | Ed DiPolvere | David Triggs, NJDEP |

Absent

Mike Lakat and Nicholas Fiore

Meeting Minutes Approval

The minutes for the February 10th Noise Control Council meeting were approved.

Motor Vehicle Noise

The Noise Control Act sections at N.J.S.A 13:1G-6, 7, 8, 9 and 16 give great latitude for the regulation of motor vehicle noise. Council member Mike Klewin drafted a resolution from the Council offering assistance to the 210th Legislature regarding the regulation of noise from motorcycles and other motor vehicles. The resolution suggests changes in the State Noise Control Statute to improve the regulation of noise from motor vehicles by rewording “excessive smoke and noise” to “excessive smoke or noise” and to encourage police to enforce motorcycle noise. The resolution was unanimously approved with some minor changes.

Train Horn Rule Comments

Over 3,000 comments have already been submitted to the FRA. The main concern voiced by the Council is that the Rule only addresses train horn noise at highway crossings and not straight-aways or station approaches. Testing methods are too complex to challenge. The Council agreed to endorse the language but expressed concern that straight-aways and stations be considered as well. Chairman Lepis will e-mail the Council’s comments to the FRA.

Model Code Clarification

Approximately 70% of complaints to New York City Hotlines are noise complaints including noise from car burglar alarms. There are a significant number of car alarm complaints in New Jersey despite being less urban. It was felt that car alarms are a police department issue and would not be an issue for Rule amendments.

Unit-to-unit sources are covered under the Model Noise Ordinance except the unamplified human voice, which is exempt. It was felt that landlords should be made aware of violations of the State Noise Code by the noise investigator.

State Noise Code Revisions

No member comments were submitted to Chairman Lepis prior to the meeting. The following amendments were discussed:

Definitions:

“Authorized enforcement agency” Wording may need to be changed to emphasize enforcing the State Code versus enforcing a local noise ordinance.

“Commercial facility” (7. Transportation) – Needs more clarification such as entering/leaving a commercial property. Perhaps an idling provision should be added.

- Commercial parking facilities should be added under “Commercial facilities”.

“Residential property” – The issue of dormitories on college campuses and where measurements should be collected was raised.

The entire next meeting will be dedicated to further discuss the State Noise Code amendments.

Explosions at Scrap Metal Recyclers

Chairman Lepis drafted a resolution addressing explosions at scrap metal recyclers from propane tanks. The resolution included the following:

- Additional regulations should be written for the auto dismantling industry so that trunks and concealed locations are searched before they are crushed.
- Any seller of propane gas products should also act as a collection agency site for used tanks.
- The scrap metal industry should only accept pre-inspected vehicles.
- NJ Division of Motor Vehicle should create notification on the title of any vehicle, which has been converted or originally manufactured as an alternate fuel vehicle.
- A “Cradle to Grave” tracking document should be issued by purchasers of alternate fuel vehicles.
- Municipalities engaged in hazardous waste day cleanups should include propane as an item to be picked up. Recycling facilities should also accept propane tanks at least once per month.

Ballantine Laboratories

Ballantine Laboratories has requested that the Department reevaluate their sound level meter calibration certification status based on changes in company personnel. Eric Zwierling suggested that an independent auditing agency conduct the certification process with the cost covered by Ballantine. Should Ballantine accept this, other labs such as West Caldwell Laboratories might have to submit to the same qualifications. The cost could be as high as \$8,000 to \$10,000 per year, which calls into question whether it would be cost effective for these labs.

THE NEXT MEETING WILL BE AT 9:30 AM ON APRIL 13TH AT THE RUTGERS LABOR EDUCATION BUILDING. MOST OF THE MEETING WILL BE DEVOTED TO NOISE CONTROL RULE AMENDMENTS.